

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1934.02
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	July 15, 2002
DATE OF REPORT:	August 13, 2002
REQUEST FOR RECONSIDERATION:	yes/ no changes
DATE OF CLOSURE:	November 25, 2002

COMPLAINT ISSUES:

Whether the MSD Wabash County Schools and the Wabash-Miami Programs for Exceptional Children violated:

511 IAC 7-27-11 by failing to provide instruction to the student who had a temporary or chronic illness precluding attendance for an aggregate of at least 20 instructional days during the 2001-2002 instructional year.

FINDINGS OF FACT:

1. The Student is 14 years old, has attended grade 8, and is enrolled in general education services. Due to an as yet undiagnosed medical condition, the Student experienced a significant number of absences during the 2001-2002 school year.
2. After missing an aggregate of 35 instructional days as of February 19, 2002, the Student's physician reports he sent a form to the School requesting homebound instruction for the Student. The physician is licensed to practice osteopathic medicine. Neither the Complainant nor the physician was able to provide a copy of the completed form.
3. Although in her written response the Director states that "[a]t no time did school personnel receive information from any of the student's doctors of a need for establishing homebound instruction," the Principal reports that he recalls receiving a letter from the Student's physician indicating the Student had an undiagnosed medical condition and would potentially miss more days of school. However, the Principal was unable to provide a copy of that letter.
4. The School's written policy on homebound instruction mirrors the requirements of 511 IAC 7-27-11, and the Principal reports he explained the requirements to the Complainant. However, the Complainant reports that the Guidance Counselor advised her that homebound instruction could not be provided unless the Student was absent for 20 consecutive instructional days. In a telephone interview with the Principal on August 8, 2002, he reported that, in accordance with School policy, the physician's statement would have to indicate that the Student would miss four continuous weeks of school in order to qualify for homebound services.
5. Subsequent to the physician's statement on February 19, 2002, the Student was absent a majority of the remaining instructional days. During this time, the Complainant continued to have contact with school

personnel regarding the Student's condition, the continued absences, and a request for a tutor. However, no homebound instruction was provided during this time.

CONCLUSION:

511 IAC 7-27-11 requires the School to provide instruction to any student with a temporary or chronic illness or injury when certain criteria have been met. One of the criteria is that "the parent must provide the school corporation with a written statement from a physician with an unlimited license to practice medicine." The physician's statement must include the temporary or chronic nature of the condition and the minimum number of days of expected absence in terms of consecutive or aggregate instructional days. Findings of Fact #2 and #3 reflect that the Principal, Complainant, and the Student's physician concur that the Complainant provided a statement from the Student's physician. Finding of Fact #2 also indicates that the Student's physician is licensed in the area of osteopathic medicine. The School is not obligated to act upon the statement or recommendation of a physician licensed to practice osteopathic medicine because such licensure is not included in the definition of physician with an unlimited license to practice medicine for the purposes of this provision of Article 7. Therefore, no technical violation of 511 IAC 7-27-11 is found.

However, given the circumstances of this situation, corrective action is warranted to prevent a future recurrence and to ensure that instructional services are made available to students with significant absences for medical reasons. As identified in Findings of Fact #2 through #5, there is an apparent discrepancy between the written policy on homebound instruction and the verbal representation of that policy, as well as the fact that the Student missed a majority of the second semester without benefit of any instruction, despite the Complainant's attempts to secure homebound services.

The Department of Education, Division of Exceptional Learners requires the following corrective action, based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD Wabash County Schools and the Wabash-Miami Programs for Exceptional Children shall:

1. Send a letter to the Complainants detailing the procedure to obtain homebound services for a student who experiences a temporary or chronic illness, injury, or condition. The letter should include a single contact person for the parent to work with. A copy of the letter and documentation of receipt by the parent shall be submitted to the Division no later than September 4, 2002.
2. Send a written memorandum to all building administrators reminding them of the criteria for providing homebound instruction to a student with a temporary or chronic illness, injury, or condition. A copy of the memorandum and a list of recipients shall be submitted to the Division no later than September 4, 2002.